

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;  
 I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor  
 (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the  
 invention entitled

WAVELENGTH MONITORING APPARATUS

the specification of which:

(check one)  is attached hereto  
 was filed on \_\_\_\_\_  
 as Application Serial No. \_\_\_\_\_  
 and was amended on \_\_\_\_\_  
 (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56\*

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Prior Foreign Application(s) | priority Claimed   |                                            |                                                                     |
|------------------------------|--------------------|--------------------------------------------|---------------------------------------------------------------------|
| 2000-391817<br>(Number)      | Japan<br>(Country) | 25 December 2000<br>(Day/Month/Year Filed) | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.) (Filing Date) (Status: patented, pending, abandoned)

and any continuation applications thereof currently pending.

Power of Attorney: As a named inventor, I hereby appoint Michael E. Whitham, Reg. No. 32,635, Marshall M. Curtis, Reg. No. 33,138, Clyde R Christofferson, Reg. No. 34,138, and C. Lamont Whitham, Reg. No. 22,424, as attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. All correspondence should be directed to Whitham, Curtis & Christofferson, P.C., 11491 Sunset Hills Road, Suite 340, Reston, Virginia 20190. All telephone calls should be directed to Michael E. Whitham at 703-787-9400.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole  
or First Inventor Shigeo Kittaka  
Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence 7-28, Kitahama 4-chome, Chuo-ku, Osaka-shi, Osaka, Japan  
Citizenship Japan  
Post Office Address Same as above

Full Name of Joint  
or Second Inventor Takashi Koyama  
Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence 7-28, Kitahama 4-chome, Chuo-ku, Osaka-shi, Osaka, Japan  
Citizenship Japan  
Post Office Address Same as above

Full Name of Joint  
or Third Inventor Yasuji Sasaki  
Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence 7-28, Kitahama 4-chome, Chuo-ku, Osaka-shi, Osaka, Japan  
Citizenship Japan  
Post Office Address Same as above

Title 37, Code of Federal Regulations, § 1.56:

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith toward the Patent and Trademark Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability; or (2) it refutes, or is inconsistent with, a position the applicant takes in: (i) opposing an argument of unpatentability relied on by the Office, or (ii) asserting an argument of patentability.